IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20812 of 2004

Between:

D.Sriramulu, S/o.D.Pentaiah,
R/o.Dulapally Village, Qutbullapur Mandal, RR District.

..... PETITIONER

AND

1 The Station House Officer, Jeedimetla P.S., Jeedimetla, RR District.
2 The Superintendent of police, Cyberabad Division, Cyberabad, Hyderabad, RR District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in nature of writ of mandamus declaring the inaction of the respondents to act upon the orders of the Hon'ble Jr.Civil Judge, Medchal, R.R. District as arbitrary and illegal and consequently direct the respondents to give necessary police protection for effective implementation of the decree and orders in the suit and EP of the Junior Civil Judge, Medchal, R.R. District.

Counsel for the Petitioner:SMT.D.PRAMADA

Counsel for the Respondents: GP FOR HOME

The Court, at the stage of admission, made the following :

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ORAL ORDER:

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The petitioner filed O.S.No.265 of 2000 in the court of Junior Civil Judge, Medchal, seeking relief in relation to Ac.7.34 guntas of land in Sy.No.140/1/A, Dulapally village, Quthbullapur Mandal, Ranga Reddy District. The suit was decreed on 18.4.2001. When the defendants therein still continued to interfere, petitioner filed E.P.No.16 of 2001. In that, he filed E.A.No.12 of 2001, seeking protection for ensuring compliance with the decree. The executing court passed an order on 26.4.2001, directing the 1st respondent to provide necessary aid to the petitioner in implementing the decree in the said suit.

The complaint of the petitioner is that the respondents have not taken any action, so far, and that the judgment-debtors are still interfering with the possession.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner availed the remedy of a civil suit to protect his possession over the land referred to above and obtained a decree. When the interference, with possession persisted, he filed E.P.No.16 of 2001 and in E.A. No. 12 of 2001, the executing court directed the 1st respondent to provide necessary aid to the petitioner.

On number of occasions, this court held that it is competent for the parties to a suit, to seek protection from the police for implementation of the orders, which have become final and whenever any lapse existed on the part of the police, necessary directions can be issued in the petitions filed under Art.226 of the Constitution of India. Reference in this regard may be made to a judgment of this court in SATYANARAYANA V. S.H.O.P.S. SANTHOSHNAGAR (1.).

Following the said judgment, the writ petition is disposed of and the respondents are directed to provide necessary aid to the petitioner to protect his possession over the land, which is subject matter of O.S.No.265 of 2000. There shall be no order as to costs.

3.2.2005

CVM

To,

1 The Station House Officer, Jeedimetla P.S., Jeedimetla, RR District.
2 The Superintendent of police, Cyberabad Division, Cyberabad, Hyderabad, RR District.

3. 2 CCs to G.P. for Home, High Court buildings, Hyderabad (OUT).

4. 2 CD copies.